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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 ALTON KING,

12 Plaintiff,

13 vs.

14 VALLEY STATE PRISON, et al.,

15 Defendants.  
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**1:20-cv-00024-DAD-GSA-PC**

**FINDINGS AND RECOMMENDATIONS,  
RECOMMENDING THAT THIS ACTION  
PROCEED ONLY AGAINST DEFENDANTS  
WARDEN RAYTHEL FISHER, JR., AND  
CULINARY STAFF MEMBER MOOSEBAUR  
FOR VIOLATION OF RLUIPA, VIOLATION OF  
THE FIRST AMENDMENT FREE EXERCISE  
CLAUSE, AND ADVERSE CONDITIONS OF  
CONFINEMENT IN VIOLATION OF THE  
EIGHTH AMENDMENT; AGAINST  
DEFENDANT WARDEN RAYTHEL FISHER,  
JR., FOR FAILURE TO PROTECT PLAINTIFF  
IN VIOLATION OF THE EIGHTH  
AMENDMENT; AND THAT ALL OTHER  
CLAIMS AND DEFENDANTS BE DISMISSED**

**OBJECTIONS, IF ANY, DUE IN 14 DAYS**

22 Plaintiff Alton King is a state prisoner proceeding *pro se* and *in forma pauperis* with this  
23 civil rights action pursuant to 42 U.S.C. § 1983. On December 26, 2019, fifteen plaintiffs,  
24 including Plaintiff Alton King, filed the Complaint commencing this action against Valley State  
25 Prison (VSP), et al., for subjecting them to adverse conditions of confinement in violation of the  
26 Eighth Amendment by serving substandard food in Kosher meals at VSP. (ECF No. 2.) On  
27 January 7, 2020, the court issued an order severing the fifteen plaintiffs' claims and opening new  
28 cases for individual plaintiffs. (ECF No. 1.) Each of the fifteen plaintiffs was ordered to file an

1 amended complaint in his own case within thirty days. (Id.) On February 13, 2020, Plaintiff  
2 filed the First Amended Complaint. (ECF No. 6.) 28 U.S.C. § 1915.

3 The First Amended Complaint names as defendants Valley State Prison (VSP), CDCR,  
4 Raythel Fisher, Jr. (Warden, VSP), C. Hernandez (Food Manager, CFM1), Mohktar (Food  
5 Administrator), Moosebaur (Culinary Supervisory Cook), Correctional Officer Keene, Anguiano  
6 (Culinary Supervisory Cook), Lucero (Culinary Supervisory Cook), John Doe #1 (Headquarter  
7 Community Resource Manager), John Doe #2 (Associate Director of the Division of Adult  
8 Institutions), John Doe #3 (CDCR Departmental Food Administrator), Anderson (Inmate), and  
9 J. Knight (Appeals Examiner) (collectively, “Defendants”).

10 The court screened the First Amended Complaint and found that it states cognizable  
11 claims against Defendants Warden Raythel Fisher, Jr., and Culinary Staff Member Moosebaur  
12 for violation of RLUIPA, violation of the First Amendment Free Exercise Clause, and adverse  
13 conditions of confinement in violation of the Eighth Amendment; against Defendant Warden  
14 Raythel Fisher, Jr., for failure to protect Plaintiff in violation of the Eighth Amendment; but fails  
15 to state any other cognizable claims against any of the Defendants. On April 13, 2021, the court  
16 issued a screening order requiring Plaintiff to either (1) file a Second Amended Complaint, or (2)  
17 notify the court that he is willing to proceed only with the claims found cognizable by the court.  
18 (ECF No. 12.)

19 On May 18, 2021, Plaintiff notified the court that he is willing to proceed only with the  
20 claims found cognizable by the court. (ECF No. 13.)

21 Based on the foregoing, it is **HEREBY RECOMMENDED** that:

- 22 1. This action proceed only on Plaintiff’s claims against Defendants Warden Raythel  
23 Fisher, Jr., and Culinary Staff Member Moosebaur for violation of RLUIPA,  
24 violation of the First Amendment Free Exercise Clause, and adverse conditions  
25 of confinement in violation of the Eighth Amendment; against Defendant Warden  
26 Raythel Fisher, Jr., for failure to protect Plaintiff in violation of the Eighth  
27 Amendment;
- 28 2. That all remaining claims and defendants be dismissed from this action;

